

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

WE THE PATRIOTS, INC,
DENNIS SMITH,

No. 1:23-cv-00773-DHU-LF

Plaintiffs,

Consolidated with:

vs.

No. 1:23-cv-00771-DHU-LF
No. 1:23-cv-00772-DHU-LF
No. 1:23-cv-00774-DHU-LF
No. 1:23-cv-00778-DHU-LF
No. 1:23-cv-00839-DHU-LF

MICHELLE LUJAN GRISHAM,
in her official capacity only, PATRICK
M. ALLEN, in his official capacity only,
JASON R. BOWIE, in his official
capacity only, TROY WEISLER, in his
official capacity only, HAROLD
MEDINA, in his official capacity only,

Defendants.

**Order Granting Defendants' Opposed Motion to Extend Time to Respond to Emergency
Motion for Injunction Pending Appeal**

This matter is before the Court on Defendants' opposed motion to extend time to respond to Plaintiffs' two emergency motions, Doc. 50. For the reasons stated below it should be granted.

Plaintiffs' in the case at bar have submitted two emergency motions, which both ask that the Court grant a preliminary injunction to enjoin Defendants from taking any action pursuant to their Public Health Orders.¹ This Court has already denied requests to enjoin such action after there was briefing and a hearing on the issue of a preliminary injunction on October 11, 2023 (Doc. 27). Plaintiffs then notified the Court that they had appealed that decision on October 19 and October

¹ For a summary of the Public Health Orders and/or the legal reasoning behind this Court's decisions, see Doc. 27.

20 to the Tenth Circuit (Doc. 31 and Doc. 33).² Shortly after, Plaintiffs submitted their first emergency motion on October 20, 2023. Their second motion was filed on October 27, 2023. The motions are substantially similar in their petitions to this Court and their legal argument. On November 6, 2023, Defendants filed a motion for an extension to respond to these emergency motions, either simultaneously or in one single response, until November 10, 2023 (Doc. 50).

Given that the deadline for the Defendants' response to the first emergency motion, which was November 3, 2023, has just passed, and their deadline for the response to the second emergency response falls on November 10, 2023, this Court is inclined to grant them the relief they seek.³ The Court agrees that it is more efficient to file one single response to these nearly identical motions, and that it is appropriate for Defendants to submit their response on the deadline for the second motion. The Court would also like to point out that while these motions are titled "Emergency Motions," neither party has cited to any rules or case law that would require an expedited briefing schedule. Thus, the Court does not believe the parties will be prejudiced by this extension.

IT IS THEREFORE ORDERED that *Defendants Opposed Motion to Extend time to Respond to Emergency Motion, Doc. 50*, is **GRANTED**, and their response to both of Plaintiffs' emergency motions is due on November 10, 2023.



HON. DAVID HERRERA URIAS
UNITED STATES DISTRICT JUDGE

² The Plaintiffs in this case come from the consolidation of five separate actions. That is why there are two appeals, because two different plaintiffs chose to appeal.

³ These deadlines were determined using the District of New Mexico's rules for "Timing and Restrictions on Responses and Replies" that dictates parties have fourteen calendar days to respond after service of the motion, in accordance with Fed. R. Civ. P. 6(a) and (d).